



Jon Kyl, Chairman

347 Russell Senate Office Building  
Washington, DC 20510  
202-224-2946  
<http://rpc.senate.gov>

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## **S. 1042 – FY06 National Defense Authorization Act**

Calendar No. 102

*Reported by the Committee on Armed Service on May 17, 2005, as an original bill without amendment, by voice vote. S.Rept. 109-69; no additional views filed.*

### **Noteworthy**

- S. 1042 authorizes \$441.6 billion in budget authority for defense programs in FY06, an increase of \$21.0 billion above last year's appropriations and an increase of 3.1 percent in real terms. This includes:
  - \$78.2 billion in procurement funding, a \$1.5 billion increase above the President's request;
  - \$109.2 billion for military personnel, \$237 million over the request;
  - \$69.8 billion in funding for research, development, test, and evaluation, \$407.2 million over the request; and
  - \$126.6 billion for operations and maintenance, \$337.5 million less than the request.
- In addition to this authorized amount, the bill also authorizes a \$50.0 billion supplemental to cover the cost of current military operations in Iraq.
- For servicemembers and their families, the bill includes:
  - an across-the-board military pay raise of 3.1 percent;
  - an increase in the death gratuity payable to survivors of military decedents to \$100,000 if the death occurs under combat-related conditions or in designated combat operations or areas; and
  - an increase from \$250,000 to \$400,000 in the maximum amount of coverage available under the Servicemembers' Group Life Insurance program.
- The bill adds \$586.4 million over the President's request for combating terrorism.
- The bill adds \$1.4 billion over the request for force protection gear for servicemembers.

## Highlights

In addition, S. 1042:

- authorizes \$109.2 billion for military personnel, including costs of pay, allowances, bonuses, death benefits, and permanent change of station moves.
- authorizes full funding of the defense health program.
- authorizes \$200.0 million for the procurement of up to two aeromedical evacuation aircraft for the Air Force.
- directs that at least \$500.0 million be dedicated to the Joint Improvised Explosive Device (IED) Task Force.
- expands rapid acquisition authority to ensure troops quickly receive needed equipment.
- authorizes \$344.2 million for up-armored High-Mobility Multipurpose Wheeled Vehicles (UAH) and wheeled vehicle add-on ballistic protection, an increase of \$120.0 million above the requested level.
- directs the Secretary of Defense to establish an Executive Agent to acquire capabilities necessary to defend the homeland against cruise missiles, unmanned aerial vehicles, and other low-altitude air threats.
- authorizes \$9.1 billion for shipbuilding.
- authorizes \$115.4 million over the request for unmanned aerial vehicles.
- authorizes \$3.4 billion for the Future Combat Systems program.
- authorizes \$878.4 million for 240 Stryker vehicles.
- authorizes \$3.7 billion for 24 Raptor F/A-22 aircraft.
- approves the budget request of \$5 billion for the Joint Strike Fighter.
- adds \$84.5 million for SOCOM to accelerate fielding of new capabilities to fight the Global War on Terrorism.
- recommends \$19.8 million to sustain the 12 existing, and establish 5 additional, National Guard Chemical, Biological, Radiological, Nuclear, and High-yield Explosive Enhanced Response Force Package (NG CERFP) teams that provide enhanced incident response capabilities to the Weapons of Mass Destruction-Civil Support Teams (WMD-CSTs).

## House Action

The House approved its FY06 Defense Authorization bill, H.R. 1815, on May 25, 2005, by a vote of 390-39. H.R. 1815 authorizes funds for the Department of Defense and the national security programs of the Department of Energy. According to the report accompanying the House bill, the House bill authorized \$441.6 billion for the national defense programs, and an additional \$49.1 billion for costs due to Operation Iraqi Freedom and Operation Enduring Freedom.

## Bill Provisions

### Division A – Department of Defense Authorizations

#### Title I – Procurement

For Procurement, the Committee approves \$78.2 billion, \$1.5 billion above the request.

- The bill approves a total of \$9.1 billion for shipbuilding, including: an additional \$86.7 million to advance by one year the delivery of the CVN-78, for a delivery in FY14, and authorizes the ship to be funded with split funding from FY07 through FY10 (sec. 122); an additional \$175.0 million to the budget request for the next increment of funding for the LHA(R) amphibious ship (sec. 123); an additional \$50.0 million for advance procurement of the second ship in the DD(X)-class at a second shipyard, and prohibited a winner-take-all acquisition strategy for the DD(X); and an additional \$25.0 million for the modernization of DDG-51 Arleigh Burke-class destroyers (sec. 121).
- The Committee approves \$2.4 billion for the procurement of one Virginia Class submarine.
- The bill authorizes the budget request for the first increment of funding for the nuclear refueling and complex overhaul of the U.S.S. *Carl Vinson* (sec. 124).
- The bill includes an additional \$19.3 million for upgrades to Marine Corps helicopters and adds \$20.0 million for upgrades to Navy P-3 and EP-3 aircraft.
- The bill authorizes \$2.9 billion for the procurement of Army aviation assets, including: an additional \$203 million for UH-60 Black Hawk helicopters; an additional \$50.0 million for 10 H-60 MEDEVAC kits; \$580.4 million for the conversion of 96 Apache AH-64 attack helicopters; and \$675.1 million for CH-47 cargo helicopters.
- The bill authorizes funding of \$878.4 million for 240 Stryker vehicles.

- The Committee approves the budget request of \$3.7 billion for 24 Raptor F/A-22 aircraft. The bill also authorizes \$200.0 million for the procurement of up to two aeromedical evacuation aircraft for the Air Force.
- The bill adds \$115.4 million over the budget request for unmanned aerial vehicles.
- The Committee authorizes the budget request of \$2.8 billion for 38 F/A-18 Super Hornet aircraft and \$337.0 million for four EA-18G aircraft.
- The Committee authorizes an additional \$18.5 million for the Army's Rapid Fielding Initiative to provide additional individual soldier protection.
- The bill approves \$364.5 million for the procurement of Army night vision equipment, including an additional \$117.1 million for aiming lights, Target Acquisition Laser Observation Night devices, and thermal weapon sights.
- The Committee adds \$134.9 million for ammunition, including \$128.0 million to address increased usage rates for certain types of ammunition in the Global War on Terrorism.

## **Title II – Research, Development, Test, and Evaluation**

For research, development, test, and evaluation, the Committee approves \$69.8 billion, \$407.2 million above the request.

- The Committee approves the budget request of \$3.4 billion for the Future Combat Systems program, including \$231.6 million for the Non-line of Sight Launch System and \$107.6 million for the Non-line of Sight Cannon.
- The bill includes \$10.0 million in cybersecurity research and education, technology development, and equipment for homeland defense.
- The Committee authorizes the budget request of \$8.8 billion for ballistic missile defense research, development, and procurement (of which \$7.8 billion is for the Missile Defense Agency).
- The Committee bill reduces funding for some longer-term missile defense developmental efforts to support near-term capabilities and enhanced testing, including an additional \$100.0 million to the ground-based midcourse defense (GMD) system, specifically for enhanced ground and flight testing, and an additional \$75.0 million to improve the Aegis Ballistic Missile Defense (BMD) system and accelerate the production of SM-3 missiles for the sea-based system.
- The bill adds \$100.0 million for an authorization of \$765.3 million for the purchase of long-lead items for a fourth Advanced Extremely High Frequency (AEHF) communications satellite.

- The bill authorizes \$114.2 million, \$15.0 million above the request, for the Space Based Space Surveillance system to provide improved situational awareness in space.
- The Committee reduces funding for the Transformational Communications Satellite by \$200.0 million and the Space Radar program by \$75.0 million.
- The Committee approves \$350.1 million for the Joint Unmanned Combat Air System (JUCAS).
- The bill approves the budget request of \$5 billion for the Joint Strike Fighter.
- The bill directs the Secretary of Defense to designate an executive agent for a joint research and treatment effort to treat combat blast injuries resulting from IEDs, rocket propelled grenades, and other attacks (sec. 243).
- The Committee reduces by \$308.3 million the Army's Joint Tactical Radio System due to concerns over program execution.

### **Title III – Operation and Maintenance (O&M)**

The bill provides \$126.6 billion in the O&M title, \$337.5 million less than the request.

- The bill directs the Navy to retain 12 aircraft carriers until 180 days after the completion of the QDR and the achievement of necessary basing agreements for carriers in the Pacific Command area of responsibility. The bill also includes a provision to require the Navy to perform the necessary maintenance and repair on the U.S.S. *John F. Kennedy* to extend the life of the ship (sec. 321).
- The Committee recommends a provision that would authorize the Secretary of Defense to obligate and expend any funds in the National Defense Sealift Fund to exercise options to purchase the three maritime prepositioning ships whose current charters expire in CY09.
- The bill includes \$20 million for the advanced combat helmet with modified integrated communications headset.
- The Committee recommends \$90.8 million for Operation and Maintenance Army for training support systems.
- The bill approves maintenance activities, such as \$148.5 million for KC-135 airframe and engine maintenance, \$51.6 million for C-130 airframe and engine maintenance, \$40.0 million for M1A1 tank depot maintenance, and \$17.3 million for corrosion control and prevention.

- The bill includes a provision to prohibit the expenditure of funds on financial audits until the Department of Defense establishes a detailed, comprehensive plan to improve the Department's financial management systems (sec. 328).
- The bill includes \$261.9 million for remediation of Formerly Used Defense Sites, an increase of \$40.0 million over the budget request.
- The Committee recommends \$19.8 million to sustain the 12 existing, and to establish 5 additional, National Guard Chemical, Biological, Radiological, Nuclear, and High-yield Explosive Enhanced Response Force Package (NG CERFP) teams that provide enhanced incident response capabilities to the Weapons of Mass Destruction-Civil Support Teams (WMD-CSTs).
- The bill adds \$20.0 million for the Assembled Chemical Weapons Alternatives (ACWA) program to accelerate chemical demilitarization activities. This will help the U.S. meet its obligations under the Chemical Weapons Convention to destroy the U.S. chemical weapons stockpile by 2012.

#### **Title IV – Military Personnel Authorizations**

- The Committee authorizes \$109.2 billion for military personnel in FY06, an increase of \$236.9 million above the President's request (sec. 421).
- The bill authorizes an increase in the Army's active duty end strength by 20,000 to a total of 522,400 soldiers for FY06. The bill authorizes a decrease in Navy and Air Force active duty end strength by 13,200 and 2,300 respectively (sec. 401).
- The bill authorizes a decrease in end strengths for the Selected Reserve by 10,300 for the Naval Reserve and 2,100 for the Air Force Reserve.

#### **Title V – Military Personnel Policy**

- The bill requires annual medical examinations for all members of the Selected Reserve (sec. 531).
- The bill authorizes \$50.0 million in supplemental educational aid to local school districts affected by the assignment or relocation of military families, including \$5.0 million for educational services to severely disabled children, and \$15.0 million for districts experiencing rapid increases in the number of students due to rebasing, activation of new military units, or base realignment and closure.
- The bill directs the establishment of a uniform DoD policy on casualty assistance and improvement of the service provided to survivors and next of kin of members of the Armed Forces who die during their military service (sec. 591).

- The bill directs implementation by January 1, 2006 of a new DoD policy to regulate commercial solicitation on DoD installations to promote the welfare of DoD personnel as consumers and to prevent abuses of servicemembers (sec. 594).

## **Title VI – Compensation and Other Personnel Benefits**

- The bill authorizes payment of over 20 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service.
- The bill includes a provision to authorize an increase in the death gratuity payable to survivors of military decedents to \$100,000 when the death occurs under combat-related conditions or in designated combat operations or areas (sec. 641).
- The Committee authorizes an increase in the maximum Servicemembers' Group Life Insurance benefit from \$250,000 up to \$400,000 (sec. 641).
- The bill directs the Army to conduct a pilot program Thrift Savings Plan option that would provide for 'matching funds' contributions of up to 5% of basic pay for first-term enlistees (sec. 652).

## **Title VII – Health Care**

- The committee recommends a provision that would extend health care coverage under TRICARE Prime for the children of an active-duty service member who dies while on active duty. The provision would authorize any dependent child of a deceased service member to continue to receive benefits under TRICARE Prime as if the service member parent were still alive, and without annual premiums, until the age of 21, or 23 if enrolled in an educational program (sec. 704).
- The committee recommends a provision that would require the Secretary of Defense to carry out a minimum of three pilot projects to evaluate the efficacy of various approaches to improve the capability of the military and civilian primary health care systems to provide early diagnosis and treatment of Post Traumatic Stress Disorder (PTSD) and other mental health conditions experienced by military members returning from combat (sec. 732).

## **Title VIII – Acquisition Policy, Acquisition Management, and Related Matters**

- The Committee includes a provision to require the DoD Inspector General to conduct joint reviews with the Inspector Generals of other relevant agencies of all major inter-agency contracts used by DoD (sec. 801).

- The bill requires a specific authorization for purchase of major weapon systems under procedures established for the procurement of commercial items (sec. 804).
- The bill establishes a contract fraud risk assessment team (sec. 823).
- The committee recommends a provision that would require a 15-percent increase in the defense acquisition and support workforce during FY06 through FY08 (sec. 832).
- The bill expands rapid acquisition authority to ensure troops can quickly receive needed protective equipment (sec. 843).

## **Title IX – Department of Defense Organization and Management**

- The bill includes a provision directing the Secretary of Defense to establish an executive agent to acquire capabilities necessary to defend the homeland against cruise missiles, unmanned aerial vehicles, and other low-altitude air threats (sec. 902).
- The Committee recommends a provision to require the Secretary of Defense to establish an advisory committee on the future space control requirements of the United States (sec. 911).

## **Title X – General Provisions**

- The bill provides the Secretary of Defense authority to use DoD personnel and equipment to conduct UAV aerial reconnaissance to detect and monitor suspicious air, sea, and surface traffic along the U.S. border (sec. 1031).

## **Title XII – Matters Relating to Other Nations**

- The committee recommends a provision that would authorize the Secretary of Defense to use up to \$500.0 million in operations and maintenance funding in FY06 and FY07 for the Commanders' Emergency Response Program (CERP), under which commanders in Iraq receive funds for use in small humanitarian and reconstruction projects in their areas of responsibility, and for a similar program in Afghanistan (sec. 1201).

## **Title XIII – Cooperative Threat Reduction with States of the Former Soviet Union**

- The committee recommends a provision that would authorize \$415.5 million, the amount included in the budget request, for the Cooperative Threat Reduction (CTR) program (sec. 1302).



- The bill includes a provision that would provide the President permanent authority to waive, on an annual basis, the conditions that must be met before CTR funding can be provided to a state of the former Soviet Union (sec. 1303).
- The bill includes a provision that would modify and enhance the authority of the Secretary of Defense to use CTR funds outside of the former Soviet Union (sec. 1304).

#### **Title XIV – Authorization for Supplemental Appropriation for Iraq, Afghanistan, and the Global War on Terrorism**

- The committee recommends a supplemental authorization of \$50.0 billion in funds to be appropriated for FY06 to support operations in Iraq, Afghanistan, and the global war on terrorism. The committee notes that H. Con. Res. 95 of the 109th Congress, establishing the congressional budget for the Government for FY06 and setting forth budgetary levels for FY07 through FY10, included \$50.0 billion for FY06 in anticipation of additional needs in Iraq, Afghanistan, and the global war on terrorism.
- Of the amount for FY06 Army procurement, the committee recommends \$120.0 million be provided to acquire additional up-armored High-Mobility Multipurpose Wheeled Vehicles (UAH), wheeled vehicle add-on armor protection, or M1151/M1152 High-Mobility Multipurpose Wheeled Vehicles (HMMWV), if the requirement for such vehicles is identified by a combatant commander and validated by the Secretary of the Army. The committee understands that the M1151/M1152 HMMWV is an improved version of the standard HMMWV (sec. 1403).
- The bill authorizes an additional \$4.3 billion for an Iraqi Freedom Fund to be available until expended for activities in support of operations in Iraq, Afghanistan, and the global war on terrorism (sec. 1409).
- Of the amounts provided in sec. 1409, not less than \$500.0 million is dedicated to the support of activities of the Joint Improvised Explosive Device Task Force. The funding provided for the Joint Improvised Explosive Device Task Force would ensure the rapid development and deployment of intelligence; tactics, techniques, and procedures (TTP); training; and the associated procurement of equipment to counter IEDs in Iraq and Afghanistan.
- The committee recommends an increase of \$117.8 million for interceptor body armor or body armor components including: \$57.4 million in Operation & Maintenance, Army, for enhanced SAPI plates; \$3.1 million in Operation & Maintenance, Navy, for interceptor body armor; \$2.4 million in Operation & Maintenance, Naval Reserve, for interceptor body armor; and \$54.9 million in Operation & Maintenance, Air Force, for deltoid armor protection. The committee expects that the Army will ensure the provision of enhanced SAPI plates to all members of the U.S. Armed Forces and appropriate civilian personnel deployed in the U.S. Central Command area of responsibility.

## **Division B – Military Construction Authorizations**

- Division B of this Act authorizes funding for military construction projects of the Department of Defense. It includes funding authorizations for the construction and operation of military family housing and military construction for the Reserve components, the defense agencies, and the North Atlantic Treaty Organization Security Investment program. It also provides authorization for the base closure account that funds environmental cleanup and other activities associated with the implementation of base closure rounds.
- The committee recommends authorization of appropriations for military construction and housing programs totaling \$12.05 billion, the same amount as the budget request.

## **Division C – Department of Energy National Security Authorizations and Other Authorizations**

### **Title XXXI – Department of Energy National Security Programs**

- The committee recommends a provision that would authorize a total of \$9.4 billion for the Department of Energy (DOE) in FY06 for the National Nuclear Security Administration (NNSA) to carry out programs necessary to national security (sec. 3101).
- The committee recommends \$6.6 billion for weapons activities, a \$39.8 million reduction below the amount requested; \$1.4 billion for directed stockpile work, the amount of the budget request; \$2.1 billion for campaigns, the amount of the budget request; \$1.7 billion in readiness in the technical base and facilities (RTBF), a \$68.6 million increase above the budget request; \$216.1 million for the secure transportation asset, a \$4.0 million increase above the budget request; \$740.5 million for weapons safeguards and security, a \$32.0 million increase above the budget request; and \$313.5 million for the Facilities and Infrastructure Recapitalization Program (FIRP), a \$30.0 million increase above the budget request.
- The committee recommends \$1.6 billion for the Defense Nuclear Nonproliferation Program, the amount of the budget request.
- The committee recommends \$9.4 million to continue the reliable replacement warhead (RRW), the amount of the budget request.
- The committee recommends \$4.0 million for the robust nuclear earth penetrator (RNEP), the amount of the budget request. Funding is provided to prepare and execute the sled track impact test at Sandia National Laboratories on the feasibility of case hardening and target penetration. The committee has received testimony from the Secretary of Defense and the Commander of U.S. Strategic Command on the continued proliferation of hard and deeply buried targets and the resulting military utility of completing the RNEP feasibility study. The funding requested is for Phase 6.2 feasibility study only.

## **Administration Position**

At press time, the Administration had not yet released its Statement of Administration Policy on S. 1042.

## **Cost**

The Congressional Budget Office cost estimate is available at:

<http://www.cbo.gov/ftpdocs/64xx/doc6406/s1042.pdf>

## **Other Views**

No additional views accompanied the report for S. 1042.

## **Possible Amendments**

There is no unanimous consent agreement that limits the submission of amendments. Several amendments are expected.